

CALFED/Reclamation Upper San Joaquin River Basin Storage Investigation (USJRBSI)

Southern Millerton Lake Area Tribal Tour

Monday, April 19, 2004

*Draft* Tour Notes (compiled by F. Perniciaro BOR)

Attendees:

Tribal

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## **Federal**

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## **BOR Consultants**

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9:00 a.m. Millerton Lake Launch docks - Opening remarks

Welcome by Frank Perniciaro, BOR: Frank gave an overview of the tribal coordination on USJRBSI to date.

Project Intro by Bill Swanson, MWH: Bill gave an overview of the CALFED program and the reason Reclamation is studying storage of San Joaquin River Water.

Tribal Statements:

1. This BOR tour does not constitute formal consultation. That is to say this tour is not “leader to leader” consultation, and BOR should not expect that any comments made here today fulfills Reclamation’s responsibility to consult at a future time.
2. CVPIA (Central Valley Project Improvement Act) is driven by this watershed, yet this watershed gets no water from CVP. Tribes should consider advocating for an amendment to CVPIA to provide for the use of CVP water in this watershed.
3. Be honest and up front. If we’re not going to benefit, tell us.
4. Non-Indian people really need to listen to us and understand our value system.

Tribal Question: Is Reclamation assessing the feasibility of providing water to tribes from USJRBSI?

Federal Response to Tribal Question:

Resp. to Q. – No. Interest by tribes in the development of USJRBSI water can be expressed to Reclamation by tribal leadership, in a formal manner of the Tribes’ choosing. At this point in time, Reclamation can not enter into new federal water contracts on the San Joaquin with any entity because of the Central Valley Project Improvement Act (CVPIA), and Reclamation is not currently authorized to include tribal water needs under USJRBSI. However, Reclamation, as part of its trust responsibilities, must evaluate USJRBSI for its potential effects on Indian trust assets and further, under the National Historic Preservation Act, Reclamation must assess the impacts of this undertaking on cultural resources.

RM 286 Site

Tribal Statements:

1. Concern was expressed that projects such as these encourage urban sprawl, increasing environmental degradation.
2. BOR should assess this project from the perspective of historic climate changes in the area.
3. Local governments do not always consider the environmental or archaeological/cultural impacts in their communities.

4. Tribes will not benefit from USJRBSI.
5. Involve local landowners in USJRBSI.

Tribal Questions:

1. Would greater flows in the Upper SJR benefit the ecosystem up here?
2. Would there be more water in the river if there were a dam here?
3. How do you get more water into the river up here?
4. How long would it take before this project was constructed – 25 years?
5. How much \$? And how big?
6. You mention flood spills, how about using off-stream storage?
7. Will there be future meetings on USJRBSI before a decision is made?
8. How much of the water is diverted to LA?

Federal Response to Tribal Questions:

Resp. to Q.1. -That is one of the tradeoffs. The flow rate you're seeing today is the results of FERC relicensing. Developing additional storage would also involve determining required flows.

Resp. to Q.2 and Q.4. –Potentially, one of the objectives of storing additional water is restoration of the San Joaquin River downstream of Friant Dam. Depending on the location of a new reservoir, river flows upstream of Millerton Lake could be changed. The current schedule is a decision document by 2009. If approved [by Congress] and funded, construction could start in approximately 2015, and the project would be operable in the 2020 to 2025 time frame.

Resp. to Q.5. - All 5 storage projects (Upper San Joaquin Storage, Shasta Storage, Los Vaqueros Storage, North of Delta Storage, and In-Delta Storage) being studied for CALFED statewide range in cost from \$0.4 – 2 Billion each. The options considered in the USJRBSI range up to about \$1 billion. Storage sizes considered range up to 1.4 million acre-feet of storage capacity. A dam at RM286 site would be up to 600 feet high to hold 1.4 MAF.

Resp. to Q.3. and Q.6. - One storage method being considered is to pump water from Millerton Lake to an off-stream reservoir in the Fine Gold Creek watershed, or conveying water by the Friant-Kern Canal and storing it in an off-stream reservoir in Yokhol Valley.

Resp. to Q.7. – Many public meetings have already been held and many future meetings with the public will be held before a decision document is completed. The public will also have an opportunity to provide formal comments on a Draft EIS/EIR before final documents are prepared.

Resp. to Q.8. – No water is conveyed to Los Angeles from Friant Dam under contracts with the United States – all contractors are located within the SJ Valley. Some [individual] contractors may negotiate water agreements with other entities to delivery high quality water to urban areas in exchange for replacement water from other sources.

### Kerkhoff 2 Powerhouse

Tribal Statement: The USJRBSI [project] has no economic benefit to us.

Tribal Question: Who's going to pay to replace the power that PG&E will lose?

Federal Response to Tribal Question:

PG& E will assess USJRBSI in terms of what is best for their business. The USJRBSI Team is looking at power plant replacement/modification options and is in contact with PG&E and Southern California Edison.

### Kerkhoff 1 Powerhouse

Tribal statements:

1. It was suggested that a future tour of [known cultural resource] sites would be helpful.
2. The area is of great archeological significance. An ethnologist with experience in this geographic area will be needed.

Tribal questions:

1. How much of Squaw Leap would be under water? How many cultural sites – ballpark?
2. Any plans to record the sites if they are going underwater?
3. If the area qualifies for the NHR, how does that play out in the evaluation?
4. 286 Site . . . what would be the impact upstream?

Federal response to Tribal Questions:

Resp. to Q.1. –Depending on the surface elevation of the reservoir option, there could be many.

Resp.to Q.2. and Q3 - Call Jim West, Reclamation's Regional Archaeologist at 916 978-5041, The State Archeologist may also have information on the National Historic Register designation

Resp. to Q.4. - The Investigation has not yet completed the necessary data collection phase to inventory environmental resources in areas that would be affected by inundation. The EIS/EIR will describe how environmental resources would be affected.

### Kerkhoff Lake – Smalley Cove

Tribal statements:

1. It was expressed that the area is of historical and cultural significance and that inundating the area would of grave concern to the tribes. Many Indian people in the

area have cultural ties to this particular location which is rich in animal and plant life, used traditionally by individual Indians. “All of our people are from this land. It’s very heartfelt and very powerful. It’s very important; it’s our history.”

2. Yokohl Valley is where the Ghost Dance is held. It is a very sacred site for my people.

3. Reclamation should assess other options instead of building the dams.

Tribal questions:

1. Is this site under water?
2. Can we get copies of any reports?
3. Does the report say how many acres will be under water?
4. Can Reclamation contact the tribes’ congressional delegation about this project?
5. Once the Friant-Kern canal ends, where does the water go from there?
6. Does the renewal of federal water contracts require public review under the National Environmental Policy Act?

Federal response to Tribal questions:

Resp. to Q.1. –Smalley Cove would not be flooded by raising Friant Dam, or a dam at the RM 274 site. It could be inundated up to 100 feet by the dam at Site RM 279 and up to 400 ft by the Dam at Site RM 286.

Resp. to Q.2. – USJRBSI reports are available on Reclamation’s web site and can be obtained in hard copy upon request. <http://www.usbr.gov/mp/sccao/storage/index.html>

Resp. to Q.3. – The Phase 1 reports identify the areas of potential inundation for the storage options considered to date. More detailed descriptions will be developed as the alternatives are evaluated further.

Resp. to Q.4. – Reclamation can not intercede on behalf of tribes to represent tribal interests to elected officials. However, tribes can contact their congressional delegations.

Resp. to Q.5. – Currently the Friant-Kern canal ends at Bakersfield. The Cross-Valley Canal takes water from the State Water Project and also terminates at Bakersfield.

Resp. to Q.6. – Yes, NEPA applies and the public has an opportunity to review and comment at the appropriate time when federal water contracts come up for renew.

The general view expressed by tribes is that the USJRBSI is not beneficial to them, as it would (a) further erode their cultural heritage, (b) inundate land that they traditionally occupied and currently use for cultural and religious purposes, and (c) provide no specific tangible benefit to them.

Tour ended shortly before 4:00 pm at Kerckhoff Lake.